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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,982	03/30/2001	William J. Tumulty	05793.3034	4192
22852	7590	06/03/2005	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			ALIMENTI, SUSAN C	
			ART UNIT	PAPER NUMBER
			3644	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/820,982	TUMULTY ET AL.	
	Examiner	Art Unit	
	Susan C. Alimenti	3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) 4, 12-21, 25 and 33-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, 22-24 and 26-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-11, 22-24, and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,487,291), and further in view of Khouri et al. (US 6,665,396).

Walker et al (Walker hereafter) discloses the claimed system and method for prioritizing a customer inquiry comprising reception an inquiry from a customer (Walker, col.3, ln.29), retrieving customer information associated with an identification number, (col.5, lns.3-9), computing a prioritization score (col.5, lns.65-67), and ranking the calls based on their prioritization score (col.6, lns.20-39). Where additional customer information is needed, the customer is prompted to answer an inquiry, determining the customer's likelihood to purchase a product (col.5, lns.52-64). The recorded customer information comprises financial type information.

While Walker does not positively mention that the customer may input an identification number that represents a customer account or record, he does mention several times that a repeat customer would have a saved record or history (e.g. col.6, lns50-52). It is further noted that the method wherein a customer inputs an ID or password to associate that customer with their respective account, is very well known in the art. An example of such a method is taught by

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Khoury et al. (Khoury hereafter). Khoury discloses a similar system and method for prioritizing customer inquiries wherein “the caller may be asked to provide an access code or user ID” to determine their priority and appropriate placement in a queue (Khoury, col.6, lines. 54-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Walker’s caller prioritization system to allow the user input an ID, password, or account number in order to allow Walker’s system to recognize the caller and retrieve that caller’s history.

Regarding claims 7 and 28, Walker does not positively express how the system ranks calls in the same queue with the same priority. Walker does disclose that the well-known method of queuing calls is based on the time they were received in the call center (Walker, col.1, lns.36-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to rank identically prioritized calls by their timestamp, since this is a well known default modes of such call managing systems.

Response to Arguments

3. Walker in view of Khoury

Applicant's arguments filed 2/3/05 have been fully considered but they are not persuasive. In response to applicant’s argument that Walker and Khoury, whether taken alone or in combination, fail to disclose all the claimed elements of claims 1 and 22, the examiner respectfully disagrees. Applicant contends that neither reference discloses nor suggests the step of “retrieving,” information in response to a customer provided identification number and prioritizing the customer inquiry based on the retrieved information.

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With regard to Walker, applicant points out that the prioritization score, or as Walker refers to it as an “economic value,” is calculated from “information about the call” (Remarks 2/3/05, p.16, ¶ 3) and therefore fails to disclose or suggest retrieving previously stored customer information. The examiner calls attention to column 4, lines 12-16 of the Walker reference stating, “customer status is indicative of a level of importance of the calling customer. For example, a customer who averages six orders of over \$100 each per year may have higher status than a customer who averages one \$200 order per year.” It is maintained that even though Walker does not positively disclose that customers have stored personal records that are retrieved upon reception of an inquiry, it is *clear* that such is suggested. The above teaching by Walker could not be accomplished *unless* customer records were stored and retrieved in order to affect the caller economic value.

Khoury is cited in the present rejection in order to further define the state of the art with regard to call center prioritization systems. Applicant contends, “Khoury et al. simply discloses that a caller may provide an access code or user ID, but does not disclose ‘retrieving . . . customer information about the customer.’” (Remarks, 2/3/05, p.17, ¶ 1) The examiner brings attention to column 6, lines 53-59 of the disclosure of Khoury stating, “a database may be established to maintain specific caller priorities,” wherein “the caller may be asked to provide an access code or user ID . . . the database may identify the caller in order to establish their priority within the queue using their . . . user ID.” Again, the examiner maintains that the only way Khoury’s database can effectively use the identity of the caller, which was determined by the caller provided user ID, is if a saved/stored caller record is retrieved and applied to a prioritization calculation.

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4. **Cambray in view of Khouri**

Applicant's arguments, see 15, ¶ 4, filed 2/3/05, with respect to the rejection over Cambray in view of Khouri have been fully considered and are persuasive. The 35 U.S.C 103(a) rejection of claims 1-3, 5-11, 22-24, and 26-32 as being unpatentable over Cambray in view of Khouri has been withdrawn.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan C. Alimenti whose telephone number is 571-272-6897.


The examiner can normally be reached on Monday-Friday, 9am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harvey Behrend can be reached on 571-272-6871. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SCA



MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER